AO 91 (Rev. 11/11) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Shawn Schaefer
[redacted]

*Defendant(s)*

Case: 1:24-mj-00007
Assigned To : Harvey, G. Michael
Assign. Date : 1/9/2024
Description: COMPLAINT W/ARREST WARRANT

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

| *Code Section* | *Offense Description* |
|---|---|
| 18 U.S.C. § 1752(a)(1) | Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, |
| 18 U.S.C. § 1752(a)(2) | Knowingly, and with intent to impede or disrupt the orderly conduct of Government business, |
| 40 U.S.C. § 5104(e)(2)(C) | Entering or Remaining in a Room of the Capitol Building, |
| 40 U.S.C. §5104(e)(2)(D) | Disorderly Conduct in the Capitol Building or Grounds, |
| 40 U.S.C. § 5104(e)(2)(G) | Parading, Demonstrating, or Picketing in a Capitol Building. |

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 01/09/2024

*Judge's signature*

City and state: Washington, D.C.

G. Michael Harvey, U.S. Magistrate Judge
*Printed name and title*

Case: 1:24-mj-00007
Assigned To : Harvey, G. Michael
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**STATEMENT OF FACTS**

Your Affiant, [redacted], is a Special Agent with the Federal Bureau of Investigation ("FBI") and has been so employed since August 2021. I am currently assigned to a Domestic Terrorism squad out of the Los Angeles FBI Office. My duties include investigating violations of the laws of the United States, specifically investigations related to domestic terrorism. As a Special Agent, I have received both formal and informal training from the FBI regarding domestic and foreign terrorism investigations. Through my training and experience with the FBI, I am familiar with the methods of operation that individuals associated with domestic and foreign terrorist organizations employ – including their use of social media and online platforms such as Facebook, Instagram, and YouTube – to communicate with associates regarding their ideology, to organize actions on behalf of their organizations, and to bring attention to their political and social agendas. As an FBI Special Agent, I have also participated in the execution of multiple search warrants, including federal search warrants executed at physical residences in cases involving domestic terrorism.

The United States Capitol is secured 24 hours a day by United States Capitol Police ("USCP"). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP officers. Only authorized people with appropriate identification were allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway, and the exterior doors and windows of the Capitol were locked or otherwise secured. USCP officers attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the House of Representatives and Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of Congress was effectively

suspended until shortly after 8:00 p.m. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the Capitol without authority to be there.

**SHAWN SCHAEFER'S ENTRY INTO THE CAPITOL**

Starting on or about December 28, 2020, SHAWN SCHAEFER (SCHAEFER) and Individual-1 began planning to travel to Washington, D.C., to attend the "Stop the Steal" rally. The two discussed flights to the area and hotels in D.C. On January 3, 2021, Individual-1 and SCHAEFER exchanged messages regarding the purchase of walkie-talkies, presumably to use in D.C. on January 6. Via text message, Individual-1 offered to buy a pair and later texted SCHAEFER, "picked up walkie-talkies 16 mile range with several channels (24x120 sub channels) has lots of bells and whistles. Should be good to go." In addition to communicating through text messages, SCHAEFER and Individual-1 met in person to plan their trip to D.C. On January 4, 2021, Individual-1 asked SCHAEFER, "You coming over tonight? Lots to discuss." SCHAEFER responded that he planned to and later texted, "I'm here … where park?"

Based on a review of American Airlines records, SCHAEFER travelled from Southern California to Washington, D.C., on January 5, 2021, and travelled to D.C. with Individual-1. The pair flew to Baltimore, Maryland, from Los Angeles, California, via Charlotte, North Carolina. They stayed at St. Gregory Hotel Dupont in Washington, D.C. on the nights of January 5 and 6, 2021.

On January 6, 2021, SCHAEFER attended the rally at the Ellipse and took several photographs of himself on the National Mall. Based on the FBI investigation into the conduct of both SCHAEFER and Individual-1, at some point before 1:37pm EST, the two became separated. According to Individual-1's phone call history and SCHAEFER's Verizon records, on January 6, 2021, the two exchanged twelve phone calls and numerous text messages between 1:37 pm EST and 6:23 pm EST. SCHAEFER, now alone, moved east from the National Mall in the direction of the Capitol.

In a publicly available Vimeo video, SCHAEFER can be seen standing outside of the Capitol on the Upper West Terrace. SCHAEFER is dressed in in a black jacket, gray hooded sweatshirt, black gloves, blue jeans, red and black running shoes with white soles, a gray backpack with distinctive bright lining, a face mask bunched at the base of his chin, and with a black handheld radio attached to left-hand shoulder strap of the backpack. This radio, circled below in yellow, is consistent with a commercially available "walkie talkie" of the type described by Individual-1 in his January 3, 2021, messages to SCHAEFER. *See* Figure 1.

*Figure 1.*

At 2:57 pm, SCHAEFER entered the Capitol via the Senate Fire Door. When he entered, SCHAEFER had pulled a blue Trump-branded face mask up from his below his chin and used it to obscure the lower half of his face. SCHAEFER further appeared to be holding a cellular phone and recording or taking pictures as he walked up the hallway. *See* Figures 2 & 3. Bright green zippers on the backpack and a small black square logo on the sweatshirt hood were also visible.

*Figure 2.*

*Figure 3.*

At approximately 2:58 pm, SCHAEFER entered the Parliamentarian's Office, again appearing to take photos or video, and went out of view of the camera. *See* Figure 4.

*Figure 4.*

Approximately twenty seconds after entering the Parliamentarian's Office, SCHAEFER exited. He appeared to hold his phone above his head and take a picture before proceeding down the hallway.

SCHAEFER proceeded down the hallway for approximately twenty seconds before the crowd that he was in was turned around by police. *See* Figure 5. The police moved people to the exit, and SCHAEFER exited the Capitol building through the same door he entered at approximately 2:59 pm. SCHAEFER was inside of the Capitol for less than two minutes.

*Figure 5.*

**IDENTIFICATION**

[redacted]

Further review of Individual-1's phone found a group text that included SCHAEFER. On January 8, 2021, SCHAEFER sent Figure 6 to the group text with the Washington Monument and a large crowd of people behind him. In the message accompanying the photo, SCHAEFER identified himself by name. In a debrief with the FBI following his plea, Individual-1 identified the person circled in red in Figure 6 as SCHAEFER.[1] Individual-1 further reported he is the person whose brown sleeve is in the lower right corner Figure 6 (indicated with a green arrow).

[1] During his FBI debrief, Individual-1 was also shown Figures 2 and 5 but was unable to identify any person in those images.

*Figure 6.*

A Parler account with username "QPatriot420" and User ID 150434 used a cropped version of Figure 6 as a profile picture. Records obtained from Parler showed the QPatriot420 account was registered with an email address and telephone number associated with SCHAEFER.

On February 21, 2023, I interviewed Witness-1, whose identity is known to me and who has known SCHAEFER since approximately May 2022. Witness-1 identified SCHAEFER as the individual in the selfie that SCHAEFER sent to the group chat and which is associated with the QPatriot421 Parler account. Witness-1 thought the individual appearing in the Vimeo video looked "similar" to SCHAEFER.

On March 28, 2023, I interviewed SCHAEFER at his residence in Placentia, California. SCHAEFER stated he traveled to Washington, D.C., with Individual-1 to support then-President Trump and see him speak. SCHAEFER attended the former president's speech on January 6, 2021, then walked to the U.S. Capitol with the crowd. SCHAEFER stated that he entered the Capitol building, but after seeing a ransacked office he exited the building because he thought "people could get in trouble for this." SCHAEFER provided his phone number and email address, both of which match the information associated with the Parler account QPatriot420.

## CHARGES

Based on the foregoing, your affiant submits that there is probable cause to believe that SCHAEFER violated 18 U.S.C. § 1752(a)(1) and (2), which, respectively, make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or

disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of 18 U.S.C. § 1752, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant further submits there is also probable cause to believe that SCHAEFER violated 40 U.S.C. § 5104(e)(2)(C), (D) and (G), which, respectively, make it a crime to willfully and knowingly (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officers, or employee of Congress, or either House of Congress; (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 9th day of January 2024.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE